IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 7010 of 2007(S)

AGAINST THE ORDER DATED / / IN IA 53/07 IN OP.68/2004 of FAMILY COURT, KANNUR
.....

PETITIONER:

THUNDIYIL NAZEER, S/O. K.K.KHADER,
AGED 29 YEARS, HOTEL SUPPLIER,
RESIDING AT PARIMALAM, CHAMBAD P.O.,
THALASSERY.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

PARAMBATH VYSAMBATH MAJINA,
D/O. MAHAMOOD, AGED 24 YEARS, NO OCCUPATION,
RESIDING AT 'MAJIGHAR', GRAMATHI,
CHOKLI P.O., THALASSERY TALUK.

BY ADV. SRI.R.SURENDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W. P.(C) 7010/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEMORANDUM OF ORIGINAL PETITION NO.68/04 ON THE FILE OF FAMILY COURT, KANNUR.

EXT.P2:- COPY OF THE COUNTER FILED IN THE ORIGINAL PETITION.

EXT.P3:- COPY OF THE ORDER IN IA.. 53/07 IN OP. NO.68/04.

EXT.P4:- COPY OF THE LETTER.

EXT.P4:- COPY OF THE PETITION FILED ALONG WITH THIS AFFIDAVIT (I.A. NO.4632/2007).

EXT.P5:- COPY OF THE DEPOSITION.

/TRUE COPY/

tss

WPC NO.7010/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEMORANDUM OF ORIGINAL PETITION NO.68/2004 ON THE FILE OF FAMILY COURT KANNUR.

EXT.P2:- COPY OF THE COUNTER FILED IN THE ORIGINAL.

EXT.P3:- COPY OF THE ORDER IN IA. 53/2007 IN OP. NO.68/2004.

EXT.P4:- COPY OF THE LETTER.

/TRUE COPY/

tss

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C).NO.7010 OF 2007 ()

Dated this the 28th day of June, 2007

J U D G M E N T

KOSHY,J.

O.P.No.68/2004 was filed by the respondent before the Family Court, Kannur. After completing the oral evidence and after three years of filing the petition, petitioner filed a petition to send the documents for expert opinion. That was rejected with the following reasons:

> "Oral evidence on both sides is over. So now at this belated stage this petition cannot be allowed particularly for the reason that the petitioner had enough time to do something about the letter in dispute in his sleeves, in this litigation and in the criminal proceedings which has been already concluded."

It is contended by the respondent that apart from the above letter there were many other evidences to support the contentions. We agree with the observations of the Family

Court. We are of the view that it is not necessary to send the documents for expert opinion at this belated stage. Writ petition is filed only to delay the disposal of the case. Hence this writ petition is dismissed and Family Court is directed to dispose of the case as expeditiously as possible.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

28th June, 2007